APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/455,534	12/07/1999	MICHAEL ZIRNGIBL	53470.000039	5280

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ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 11/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.	Applicant(s)
Office Action Summary	09/455,534	ZIRNGIBL ET AL.
	Examiner	Art Unit
	Ming Chow	2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
  closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-22_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

  If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____ .

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
    application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

  a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)☐ Notice of Informal Patent Application (PTO-152)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . 6)☐ Other: .

Information Disclosure Statement

1.   The Information Disclosure Statement is objected to because it contains an embedded

hyperlink and/or other form of browser-executable code. PTO policy does not permit the PTO

patent documents to link to any live commercial Web sites. Applicant is required to delete the

embedded hyperlink and/or other form of browser-executable code.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 1, 3, 7, 10, 12, 16, and 19-22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Toy (US-PAT-NO: 4,554,418), and in view of Wise et al (US-PAT-NO:

5,884,262).

Regarding claims 1, 10, 19, 20, 21, and 22, Toy teaches on column 9 line 65 "the contact is

initiated". The "contact is initiated" of Toy is the claimed "to initialize a communication". Toy

also teaches on column 6 line 48 "automatic answering device". The "automatic answering

device" of Toy is the claimed "call receiver to accept an inbound communication". Toy teaches

on column 9 line 23 "the necessary control functions associated with the contact sequences may

be performed concurrently". The "control of contact sequence" of Toy is the claimed "control of

communications". Toy failed to teach generating markup documents, a storage device for storing

the markup documents, to initialize a voice-enabled communication using the markup

documents, to accept an inbound voice-enabled communication, and to control voice-enabled

communication using the markup documents. However, Wise et al teach on column 6 line 55 "a

searcher returns an unordered list in HTML". The "return of an unordered list in HTML of Wise

et al is the claimed "generating markup documents". Wise et al also teach on column 7 line 28

"standard formats for the computer files such as full text database". The database of Wise et al is

the claimed "storage device". Wise et al also teach on column 2 line 9 "a standard file format

such as HTML". The "standard format such as HTML" of Wise et al is the claimed "markup

documents". Wise et al teach on column 4 line 12 "text-to-speech conversion". The "text-to-

speech conversion" of Wise et al is the claimed "voice-enabled communication". Wise et al

teach on column 5 line 48 "call manager". The "call manager" of Wise et al is the claimed "call

receiver to accept an inbound communication". It would have been obvious to one skilled at the

time the invention was made to modify Toy to generate markup documents, comprise a storage device for storing the markup documents, initialize a voice-enabled communication using the markup documents, accept an inbound voice-enabled communication, and control voice-enabled communication using the markup documents as taught by Wise et al such that the modified system of Toy would be able to support the integrated inbound and outbound voice service to the system users.

Regarding claim 3 and 12, the modified system of Toy in view of Wise et al as stated in claim 1 above failed to teach a parser to extract text from the markup language documents and a text-to-speech engine for converting the extracted text into speech. However, Wise et al teach on column 2 line 29 "the parser". Wise et al also teach on column 2 line 30 "a text-to-speech engine". It would have been obvious to one skilled at the time the invention was made to modify Toy and Wise et al to parse and extract text from the markup language documents and text-to-speech engine for converting the extracted text into speech as taught by Wise et al such that the modified system of Toy and Wise et al would be able to support the parser and text-to-speech engine to the system users.

Regarding claims 7 and 16, the modified system of Toy in view of Wise et al failed to teach the markup language documents comprise TML documents. However, Wise et al teach on column 2 line 9 "a standard document file format, such as HTML, which is used on the World Wide Web. The "HTML" of Wise et al is the claimed "TML". It would have been obvious to one skilled at the time the invention was made to modify Toy and Wise et al so that the markup language

documents comprise TML documents as taught by Wise et al such that the modified system of

Toy and Wise et al would be able to support the TML documents to the system users.

4.   Claims 2, 8, 9, 11, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Toy and Wise et al as applied to claim 1 above, and in view of Freishtat et al (US-PAT-NO:

5,945,989).

Regarding claims 2 and 11, Toy and Wise et al failed to teach the call server comprises an

authentication module operative to authenticate an inbound voice-enabled communication.

However, Freishtat et al teach on column 6 line 31 and column 8 line 55 "the PIN is used to

authenticate the users and the login is confirmed". It would have been obvious to one skilled at

the time the invention was made to modify Toy and Wise et al to comprise an authentication

module operative to authenticate an inbound voice-enabled communication as taught by Freishtat

et al such that the modified system of Toy and Wise et al would be able to support the

authentication to the system users.

Regarding claims 8 and 17, the modified system of Toy and Wise et al failed to teach the markup

language documents comprise active voice pages. However, Freishtat et al teach on column 6

line 46 "Web Page content allows the user to input graphics, audio, header, text blurbs – any

HTML code into the Web Database". The "Web Page" of Freishtat et al is the claimed "markup

language document". The "audio input" of Freishtat et al is the claimed "active voice page". It

would have been obvious to one skilled at the time the invention was made to modify Toy and

Wise et al to have the markup language documents comprise active voice pages as taught by

Freishtat et al such that the modified system of Toy and Wise et al would be able to support the active voice pages to the system users.

Regarding claims 9 and 18, the modified system of Toy and Wise et al as stated in claim 1 above failed to teach the markup language documents comprise information accessed from an on-line analytical processing system. However, Freishtat et al teach on column 2 line 34 "an on-line application generator". The "on-line application generator" of Freishtat et al is the claimed "on-line analytical processing system". Freishtat et al also teach on column 12 line 59 "a Web based Application generator allows a user to map out a call flow and then assign that call flow to run on a specific 800 number". The "map out a call" of Freishtat et al is the claimed "information accessed from the on-line analytical processing system". It would have been obvious to one skilled at the time the invention was made to modify Toy and Wise et al to have the markup language documents comprise information accessed from an on-line analytical processing system as taught by Freishtat et al such that the modified system of Toy and Wise et al would be able to support the information accessed from an on-line analytical processing system to the system users.

5.   Claims 4-6 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toy and Wise et al as applied to claim 1 above, and in view of Speicher (US-PAT-NO: 5,996,006). Regarding claims 4 and 13, Toy and Wiser et al failed to teach a search module operative to search markup language documents in the storage device. However, Speicher teaches on column 5 line 34 "the DBS contains a processor and an SQL (Structural Query Language) relational

database software. The "SQL database software" of Speicher is the claimed "search module".

Speicher also teaches on column 5 line 21 "Ad database is comprised of files and ad response

files". The "database" of Speicher is the claimed "storage device". The "ad response files" of

Speicher is the claimed "markup language documents". It would have been obvious to one

skilled at the time the invention was made to modify Toy and Wise et al to include a search

module operative to search markup language documents stored in the storage device as taught by

Speicher such that the modified system of Toy and Wise et al would be able to support the search

module to the system users.

Regarding claims 5 and 14, the modified system of Toy and Wise et al in view of Speicher as

stated in claim 4 above failed to teach the search module comprises an SQL engine operative to

query the storage device. However, Speicher teaches on column 5 line 34 "the SQL relational

database software". The "SQL relational database software" of Speicher is the claimed "SQL

engine". It would have been obvious to one skilled at the time the invention was made to modify

Toy, Wise et al, and Speicher to include a search module which comprises an SQL engine as

taught by Speicher such that the modified system of Toy, Wise et al, and Speicher would be able

to support the SQL engine to the system users.

Regarding claims 6 and 15, the modified system of Toy in view of Wise et al as stated in claim 1

above failed to teach the storage device comprises a relational database. However, Speicher

teaches on column 5 line 34 "the SQL relational database software". It would have been obvious

to one skilled at the time the invention was made to modify Toy and Wise et al to include the

storage device comprising a relational database as taught by Speicher such that the modified

system of Toy and Wise et al would be able to support the relational database to the system

users.

Response to Arguments

6.   Applicant's arguments filed on 9/13/02 have been fully considered but they are not

persuasive.

  i)   Applicant argues, on pages 16 and 17, the present invention claims the call server is

          operative to control both inbound and outbound voice-enabled communications using

          markup documents. However, Toy teaches on column 9 line 65 "the contact is initiated

          (by the system)". The "the contact is initiated (by the system)" of Toy is the claimed

          "initialize a (outbound) communication" or "initiate voice-enabled communication

          with the at least one subscriber" (claim 19). While Wise et al teach on ABSTRACT

          "allows a user to access information originally formatted for audio/visual interfacing

          on a computer network via a simple telephone". The "user to access" of Wise et al is

          the claimed "initiate voice-enabled communication with the at least one service" (claim

          19). Therefore, in combination of Toy and Wise et al the "inbound and outbound"

          communications are taught. Applicant also argues, on second paragraph page 16, the

          feature of a voice service system wherein markup documents may be used to control

voice-enabled communication regardless of whether the communications were initiated
by the voice service system (e.g., outbound), or by a user (e.g., inbound). However, as
the specifications disclose on line 15 page 10, "a user calling in to access voice services
locates the desired active voice page. According to one embodiment, the user is
automatically placed into an active voice page of a voice service that the user missed".
Therefore, for the inbound communication, the user initiates the call to the service
system and locates (accesses) the voice page. This is the same as what Wise et al teach
on ABSTRACT "a user can call a designated telephone number and request a (HTML)
file via dual-tone multi-frequency (DTMF) signaling". Wise et al teach a user initiates
a call to the system and locates (accesses) the HTML file. Applicant also argues, on
second paragraph page 17, Wise et al appear to disclose a system that enables users to
request documents .. and then navigate through retrieved documents .... Wise et al do
not ..... disclose at least the feature of initializing voice-enabled communications.
However, again, the specifications disclose on line 15 page 10, "a user calling in to
access voice services locates the desired active voice page. According to one
embodiment, the user is automatically placed into an active voice page of a voice
service that the user missed". The specification discloses that the **user initiates** the call.
The user initiates the call and will not access the voice page until the call reaches the
service system. The specification **did not support** the inbound call is initiated by the
voice-enabled markup document. In addition, regarding the newly added claim 19
claims "personalized" and "preferences", Toy teaches on ABSTRACT "identified

events of interest" and "notification". The "identified events of interest" of Toy is the

claimed "preference". The "notification" of Toy's system must be personalized".

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

***** NOTICE *****

ANY AMENDMENT OR REQUEST FOR RECONSIDERATION IN RESPONSE TO THIS

FINAL OFFICE ACTION SHOULD BE DIRECTED TO:

Commissioner of Patents and Trademarks

Box AF

Washington, D.C. 20231

By addressing all after final office action responses to the above address, processing time of the

response is included. This will result in more timely responses by the Office and should result in

fewer requests for extension of time.

7.   Any inquiry concerning this communication or earlier communication from the examiner

should be directed to the examiner Ming Chow whose telephone number is (703) 305-4817. The

examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts

to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can

be reached on (703) 305-4895. Any inquiry of a general mature or relating to the status of this

application or proceeding should be directed to the Customer Service whose telephone number is

(703) 306-0377. Any inquiry of a general nature or relating to the status of this application or

proceeding should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to TC2600's Customer Service FAX Number 703-872-9314.

Art Unit: 2645

Patent Examiner

Art Unit 2645

Ming Chow

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600